

AMENDED IN ASSEMBLY MAY 12, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1854**

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**Introduced by Assembly Member Ammiano**

February 12, 2010

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An act to add Section 48204.1 to the Education Code, relating to school attendance.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1854, as amended, Ammiano. School attendance: residency requirements.

Existing law requires a person between 6 and 18 years of age not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district where the person's parent or legal guardian is located. Existing law provides various exceptions to this residency requirement, including, but not limited to, authorizing a pupil to attend school in a school district in which his or her parent or guardian is employed.

This bill would ~~authorize~~ *require* a school district to accept a wide range of documents and representations from the parent or guardian of a pupil as reasonable evidence that the pupil meets ~~the~~ *those* residency requirements ~~set forth in these provisions. The bill would provide that~~ *reasonable evidence may be established by certain documentation*, including, but not limited to, property tax payment receipts, ~~rent~~ *rental property contract, lease, or* payment receipts, utility service *contract, lease, or* payment receipts, *pay stubs, voter registration, correspondence from a government agency,* and a declaration of residency executed by

the parent or guardian of ~~the~~ a pupil who is a homeless child or youth, as defined. The bill, if an employee of a school district reasonably believes that the parent or guardian of a pupil has provided false or unreliable evidence of residency, would authorize a school district to make reasonable efforts to determine that the pupil actually meets the residency requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 48204.1 is added to the Education Code,  
2     to read:  
3     48204.1. (a) A school district shall accept from the parent or  
4     guardian of a pupil reasonable evidence that the pupil meets the  
5     residency requirements for school attendance in the school district  
6     as set forth in Sections 48200 and 48204. Reasonable evidence of  
7     residency shall be established by documentation showing the name  
8     and address of the parent or guardian within the school district,  
9     including, but not limited to, any of the following documentation:  
10    (1) Property tax payment receipts.  
11    (2) Rental property contract, lease, or payment receipts.  
12    (3) Utility service contract, statement, or payment receipts.  
13    (4) Pay stubs.  
14    (5) Voter registration.  
15    (6) Correspondence from a government agency.  
16    (7) Declaration of residency executed by the parent or guardian  
17    of a pupil who is a homeless child or youth as defined in Section  
18    725 of the federal McKinney-Vento Homeless Assistance Act (42  
19    U.S.C. Sec. 11434a).  
20    (b) If any employee of a school district reasonably believes that  
21    the parent or guardian of a pupil has provided false or unreliable  
22    evidence of residency, the school district may make reasonable  
23    efforts to determine that the pupil actually meets the residency  
24    requirements set forth in Sections 48200 and 48204.  
25    (c) Nothing in this section shall be construed as limiting access  
26    to pupil enrollment in a school district as otherwise provided by  
27    federal and state statutes and regulations.  
28    ~~SECTION 1. Section 48204.1 is added to the Education Code,~~  
29    to read:

1     ~~48204.1. (a) Any school district may accept a wide range of~~  
2 ~~documents and representations from the parent or guardian of a~~  
3 ~~pupil as reasonable evidence that the pupil meets the residency~~  
4 ~~requirements for school attendance in the school district as set~~  
5 ~~forth in Sections 48200 and 48204. Reasonable evidence of~~  
6 ~~residency may be established by documentation, including, but~~  
7 ~~not limited to, any of the following documentation:~~

8     ~~(1) Property tax payment receipts;~~

9     ~~(2) Rent payment receipts;~~

10    ~~(3) Utility service payment receipts;~~

11    ~~(4) Declaration of residency executed by the parent or guardian~~  
12 ~~of the pupil.~~

13    ~~(b) If any employee of a school district reasonably believes that~~  
14 ~~the parent or guardian of a pupil has provided false or unreliable~~  
15 ~~evidence of residency, the school district may make reasonable~~  
16 ~~efforts to determine that the pupil actually meets the residency~~  
17 ~~requirements set forth in Sections 48200 and 48204.~~